

TOWN COUNCIL  
**Town of Trumbull**  
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TOWN HALL  
Trumbull

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LEGISLATION & ADMINISTRATION COMMITTEE  
MINUTES  
September 27, 2010

Call to Order: Chairman Suzanne Testani called the Legislation & Administration Committee meeting to order at 7:15 p.m. All present joined in a moment of silence and the pledge of allegiance.

Present: Chairman Suzanne Testani, Mark Altieri (arrived at 7:19 p.m.), Kristy Waizenegger and Michael Rappa.

Absent: Jeff Jenkins and Chad Ciocci.

Also Present: Mr. Dan Nelson, Chief of Staff, Ms. Maria Pires, Director of Finance and Town Council Chairman, Carl A. Massaro Jr., Patrice Sulik, Director of Health and Attorney Aiken.

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The Chair noted for the record that Town Council Chairman Carl Massaro was sitting in as ex officio member.

1. RESOLUTION TC23-103: Moved by Ms. Waizenegger, seconded by Mr. Rappa. BE IT RESOLVED, That October 12, 2010 is hereby declared Governor Jonathon Trumbull Day.

Mr. Nelson stated that it is the 300<sup>th</sup> anniversary of Governor Jonathon Trumbull's birthday on October 12, 2010, the town of Trumbull as well as his hometown of Lebanon will be celebrating with a proclamation and ceremony. Jonathon Trumbull was the first governor of the state and the namesake of our town.

The Chair called a recess at 7:18 p.m. to allow time for Mr. Altieri to arrive. Mr. Altieri arrived at 7:19 p.m.  
The Chair called the meeting back to order at 7:19 p.m.

VOTE: Motion to send to the Town Council with recommendation carried unanimously 4-0.

Mr. Altieri moved, seconded by Ms. Waizenegger to take Resolution TC23-96 out of order. VOTE: Motion carried unanimously 4-0.

2. RESOLUTION TC23-96: Moved by Mr. Rappa, seconded by Ms. Waizenegger. BE IT RESOLVED, That the Town Attorney is hereby authorized to settle a worker's compensation claim known as Robert Bracci vs. the Town of Trumbull.

Mr. Nelson noted that Attorney Aiken was present at this meeting. Attorney Aiken stated that the resolution represents a police officer with a pending workman's compensation claim; it is before the workman's compensation commission of Bridgeport, CT. It is heart and hypertension pending workman's compensation claim under 744-C, dated September 13, 2007. There have been prior claims, which would be included in this settlement. Attorney Aiken does recommend approval.

Mr. Altieri moved, seconded by Ms. Waizenegger to enter into Executive Session for the purpose of discussing pending litigation.  
VOTE: Motion carried unanimously.

The Legislation & Administration Committee entered Executive Session with members Chairman Suzanne Testani, Mark Altieri, Kristy Waizenegger, Michael Rappa, Chief of Staff, Mr. Dan Nelson, Town Council Chairman Carl Massaro, Councilman Debra Lamberti, and Attorney Aiken present at 7:24 p.m. for the purpose of discussing pending litigation.

Mr. Altieri moved, seconded by Ms. Waizenegger to end Executive Session.  
VOTE: Motion carried unanimously.  
The L&A Committee ended Executive Session at 7:36 p.m.

VOTE: Motion to recommend to the Town Council carried unanimously 4-0.

3. RESOLUTION TC23-94: BE IT RESOLVED, That Timothy M. Herbst, First Selectman of the Town of Trumbull be and the same, hereby is authorized to execute on behalf of the Town of Trumbull a personal service agreement with the State of Connecticut for financial assistance in the amount of \$375,000 to complete improvements and safety upgrades to the Hillcrest Pool.

Moved by Mr. Altieri, seconded by Mr. Rappa to hold Resolution TC23-94 in committee.

VOTE: By unanimous consent the L&A Committee held Resolution TC23-94 in committee.

4. RESOLUTION TC23-104: Moved by Ms. Waizenegger, seconded by Mr. Rappa. BE IT RESOLVED AND ORDAINED, That Section 2-54 of the Trumbull Municipal Code is hereby amended to read as, "The following person shall be compensated on a salary basis rather than a fee basis, the amount of compensation

to be determined as provided by law: Dog Warden, Sanitary Inspector, and Tree Warden”.

The Chair opened the Public Hearing at 7:42 p.m.

No one from the public was present at this meeting to speak.

The Chair closed the Public Hearing at 7:43 p.m.

Mr. Nelson noted that the current Municipal Code, Section 2-54 includes the positions of Health Director and Town Counsel. The Health Department is now a Health District, this provision of the code does not apply to the Health Director anymore. The town attorneys are no longer eligible for health benefits or a pension and are now paid on a contract basis; a not-to-exceed amount of \$275,000 per year has been budgeted for the current fiscal year. The Board of Finance is receiving quarterly updates on the hours worked per case. Mr. Nelson made the recommendation that the Finance Committee of the Town Council also receive the quarterly updates. This change in code will reduce immediate and longevity costs to the town. The positions named in the resolution are not civil service positions. The Health District was formed in 2004; the Municipal Code needs to be amended to reflect the change

Mr. Massaro clarified for the committee that the resolution before them is the amended version, the code currently includes the Dog Warden, Sanitary Inspector, Tree Warden, Health Director and Town Counsel, the proposed amendment would delete the Health Director and the Town Counsel (attorneys). Mr. Massaro stated that the Health Director is paid by the regional Health District. The Health Director, Ms. Sulik was present. Ms. Sulik stated that each Town in the district has amended their own municipal codes to reflect the change. The Health Director is paid by the towns in the Health District based on a per capita basis. This resolution would not change the current arrangement of the Health Director within the district. Mr. Nelson stated the resolution updates the Town of Trumbull's Municipal code to reflect the change that had taken place six years ago in 2004.

Mr. Altieri stated that a 5-year historical comparison based upon the number of hours the aggregate town attorneys had worked vs. what is projected to be paid to the current town attorneys would be necessary for the committee to make a decision on this resolution.

Ms. Pires noted that the previous town attorneys had been paid based upon 20 hours per week; there are no billable hours on file from the previous attorneys to compare to. The current town attorneys have a lump sum budget of a-not-to-exceed amount of \$275,000 per year; they are working more than those hours. The town pays them a fixed amount of slightly more than \$14,000 per month, back up information is sent representing the amount of hours worked, they are not paid per hour but a fixed amount of approximately \$14,000 per month. The town does not and will not be paying the town attorneys by the billable hour. Mr. Nelson clarified that the town attorneys are paid a salary.

Ms. Waizenegger stated that the resolution reads as the positions are being taken off of a fee basis and onto a salary basis. Ms. Pires stated the town knows

how many hours the town attorneys are working; the attorneys do send the town back-up information with the hours broken out even though the town pays them a flat fee. In past years there have been no billable hours submitted by the town attorneys to compare to, the previous attorneys were paid a salary based on twenty (20) hours per week. The current town attorneys are paid a flat amount, approximately \$14,000 per month; by contract they can not exceed the \$275,000 budgeted regardless of how much they work. The back-up information sent to the town by the attorneys shows that they are working more hours than they are paid for.

The current municipal code needs to be amended to reflect the change of how the town attorneys are paid by contract, the not-to-exceed of amount \$275,000, and that the Health Director is paid a flat amount based upon per capita by the Health District.

Mr. Rappa moved, seconded by Ms. Waizenegger to hold Resolution TC23-104 in committee. Mr. Nelson will provide a copy of the town attorneys' contract and a copy of the current ordinance to the committee.

VOTE: Motion to hold Resolution TC23-104 in committee carried unanimously 4-0.

5. RESOLUTION TC23-106: Moved by Mr. Rappa, seconded by Ms. Waizenegger. BE IT RESOLVED, That the Town of Trumbull may enter into with and deliver to the State of Connecticut Department of Emergency Management and Homeland Security any and all documents which it deems to be necessary or appropriate; and  
BE IT FURTHER RESOLVED, that Timothy M. Herbst, First Selectman of the Town of Trumbull, is authorized and directed to execute and deliver any and all documents on behalf of the Town of Trumbull and to do and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents.

Mr. Nelson stated that the resolution is required due the signatory change for any existing or future grants for emergency management to reflect the change in first selectman.

VOTE: Motion to recommend to the Town Council carried unanimously 4-0.

There being no further business to discuss, upon motion made by Mr. Altieri, seconded by Ms. Waizenegger, the L&A Committee adjourned at 7:58 p.m.

Respectfully Submitted,

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Margaret D. Mastroni, Town Council Clerk